

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GLEN FOLSOM,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-21-582-G
)	
BECKHAM COUNTY COURT et al.,)	
)	
Respondents.)	

ORDER

Petitioner Glen Folsom, a state prisoner appearing pro se, initiated this habeas corpus action in June 2021. This matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings in accordance with 28 U.S.C. § 636(b)(1).

Currently pending before the Court are Petitioner's Applications for Leave to Proceed *In Forma Pauperis* (Doc. Nos. 2, 22). On October 8, 2021, Judge Erwin issued a Report and Recommendation ("R. & R.," Doc. No. 25), recommending that Petitioner's Applications be denied due to Petitioner being in possession of sufficient funds to pay the \$5.00 filing fee. *See id.* at 1; *see also* Doc. No. 22, at 4 (prison official certifying that Petitioner has \$14.15 in his facility savings account).

On February 4, 2022, Petitioner submitted a filing (Doc. No. 35) that the Court liberally construes as an Objection to the R. & R. Pursuant to controlling authority, the Court reviews de novo the portions of the R. & R. to which specific objections have been made. *See United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Even liberally construed, Petitioner's Objection fails to show any error in Judge Erwin's finding that Petitioner possesses sufficient funds to pay his \$5.00 filing fee. To the contrary, Petitioner states that he has requested that prison officials send this payment to the Court. *See* Pet'r's Obj. at 1. Further, nothing in Petitioner's Objection undermines Judge Erwin's conclusion that Petitioner is not entitled to proceed *in forma pauperis* in this matter.


CONCLUSION

Accordingly, the Report and Recommendation (Doc. No. 25) is ADOPTED in its entirety. Petitioner's Applications for Leave to Proceed *In Forma Pauperis* (Doc. Nos. 2, 22) are DENIED.

Petitioner is DIRECTED to pay the \$5.00 filing fee within twenty-one (21) days of the date of this Order. Failure to pay the filing fee within the time prescribed shall be cause for dismissal of this action without prejudice. *See* LCvR 3.3(e). If Petitioner encounters difficulty in having the \$5.00 payment transmitted to the Court, he may present this Order to the relevant facility officials.

This matter shall remain referred to Judge Erwin in accordance with the initial order of referral.

IT IS SO ORDERED this 4th day of March, 2022.


CHARLES B. GOODWIN
United States District Judge